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COMMITTEE ON THE RIGHTS OF THE CHILD

Fifteenth session

SUMMARY RECORD OF THE 377th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 22 May 1997, at 3 p.m.

Chairperson: Miss MASON

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Initial report of Ghana

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS BY STATES PARTIES (agenda item 6) (continued)

Initial report of Ghana (CRC/C/3/Add.39; CRC/C/Q/GHA/1 (List of issues to be taken up in connection with the consideration of the initial report of Ghana); written replies by Ghana to the questions raised in the list of issues (document without symbol distributed in the meeting room, English and French only))

1. At the invitation of the Chairperson, Mrs. Aggrey-Orleans, Mrs. Quartey, Mrs. Akuffo-Amoabeng, Mr. Aggrey, Mrs. Sagoe-Moses, Mrs. Ampiah, Mrs. Katsriku and Mrs. Pobee (Ghana) took places at the Committee table.

2. Thé CHAIRPERSON welcomed the delegation of Ghana and invited it to introduce the initial report of Ghana (CRC/C/3/Add.39).

3. Mrs. AGGREY-ORLEANS (Ghana) said that Ghana had been the first State to ratify the Convention on the Rights of the Child, on 5 February 1990. Prior to that date, in 1979, the Ghana National Commission on Children had already been put in charge of coordinating the activities of child-related agencies. That Commission, composed of high-level representatives of various ministries and national bodies, worked hand in hand with intergovernmental agencies and international non-governmental organizations (NGOs) and was therefore well placed to ensure the Convention's implementation by all sectors of Government and by civil society in general.

4. Following the World Summit for Children, a multisectoral task force had been set up to draw up a national programme of action, assess the state of children in Ghana and set specific goals for all relevant ministries, bodies and organizations. The promulgation in 1992 of the Constitution of the Fourth Republic had provided an opportunity to harmonize national law with the provisions of the Convention and to enjoin Parliament to enact such laws as were necessary to ensure the survival, development and protection of children.

5. The Convention was implemented not only by national institutions but, in a more centralized fashion, by the District Assemblies, which provided basic social services and ensured community participation in programmes designed to give effect to the Convention. The resources allocated to the Assemblies had been substantially increased, which should facilitate the provision of better services for children in rural areas.

6. The task of publicizing the Convention and creating awareness among the general public was one of the main functions of the Commission on Children. In line with its mandate to submit proposed legislation to the Government, the Commission, in November 1995, had requested a multisectoral committee of legal consultants to study laws affecting children and to make proposals for legislative reforms that would give effect to the Convention. Draft legislation to be enacted shortly dealt with the child's right to maintenance and property, education and health, labour rights and juvenile criminal administration.

7. She drew the Committee's attention to the parts of the report dealing with the health sector - particularly primary health care and the expanded programme on immunization - and basic education, which should be free and compulsory for all.

8. The new strategies for implementing the Convention were being supported by donors, including United Nations agencies and international NGOs, but Ghana had to contend with the constraints imposed by its structural adjustment programme, which were compounded by the vagaries of the international economic environment and by the negative aspects of some of its own cultural and traditional practices and attitudes, which were not easy to eliminate.

9. Ghana was pleased with its achievements and remained steadfast in its commitment to the Convention's objectives. In that regard, the financial and technical support of the international community, as well as constructive discussion with the Committee, would be invaluable.

10. The CHAIRPERSON invited members of the Committee to ask questions concerning general measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention) (questions 1 to 13 of the list of issues) (CRC/C/Q/GHA/1).

11. Mr. RABAH said that in the part of its report dealing with general measures of implementation, the Government did not indicate which legal texts reflected the provisions of the Convention on the Rights of the Child. Ghana had not yet defined the child in terms of age, and the initial report provided no information on the status of adolescents.

12. Mr. FULCI said the initial report lacked an overall view of the situation and a summary of the main points of a strategy genuinely aimed at implementing the rights of the child. Ghana, which had set up its National Commission on Children in 1979, might continue on that course and make the Commission an integrated mechanism responsible for monitoring action to promote and protect the rights of the child.

13. Mrs. KARP asked for information concerning the preparation of the Children's Code. What were the prospects of its being enacted, what problems did it raise and what debates had it generated? She wished to know the role of NGOs in the preparation of the National Programme of Action and their expected role in its implementation.

14. The functioning of the National Commission on Children was of great interest to the Committee. Further details on its budget and financial independence, on which its effectiveness and freedom of action depended, would be welcome. Given the number of ministries involved in implementing the Convention, it would also be useful to know whether the Commission decided on the necessary integrated policy and whether it could give instructions directly to a ministry.

15. She would like a detailed description of the means for ensuring that there was no discrimination in the area of child-related services among the different regions, and particularly between rural and urban regions, and of the measures being taken to ensure an equitable distribution of credit.

16. Mrs. SARDENBERG asked whether the mandate of the National Commission on Children had been revised since 1979 and whether the Commission's activities were evaluated periodically. That was an important point for the Committee, which was the forum for an ongoing debate on the type of institutional arrangements that were best suited to the implementation of the Convention. She knew that the Commission, which was responsible for preparing the report, was a truly multi-disciplinary body, but she wondered whether NGOs that were not members of the Commission were consulted and whether their suggestions were duly considered. The decentralization of responsibilities was to be commended, but she wished to know more about the composition of the District Assemblies and whether they included any specialists in the areas concerned. Was there a parliamentary commission on children?

17. Mr. KOLOSOV said that protection of the rights of the under-18 population could be effective only if the human rights of the population in general were also protected under international instruments. He therefore asked what other international human rights instruments had been ratified by Ghana, such as the International Covenants on Human Rights, the Geneva Conventions of 1949, the Conventions relating to the Status of Refugees and of Stateless Persons and the conventions of the International Labour Organization (ILO). If the Convention on the Rights of the Child was considered in isolation, the success of its implementation would be limited.

18. The CHAIRPERSON, speaking as a member of the Committee, asked whether the National Commission was planning to request greater autonomy and more authority and noted that its members did not include any representatives of financial decision-making bodies. It was therefore not certain that the Commission had all the technical and financial support it needed.

19. One matter that had not been dealt with in the report was the number of Ghanaian children and their share of the population. Nor was there any mention in the report of any mechanism or mediator with whom children could lodge a complaint. The report also lacked an indication of the means envisaged by Ghana for publicizing the Convention, given the high rate of illiteracy and the number of languages spoken in the country. She would like to hear about the evaluation of the Convention's implementation, which was to have been carried out early in 1997.

20. Mrs. AGGREY-ORLEANS (Ghana) said that the Ministry of Finance and Economic Planning was represented on the National Commission on Children. A restructuring of the Commission had been carried out in order to enhance its status and increase its effectiveness. Under the Constitution, a child was a person under the age of 18 years. The Law Reform Commission had determined that the age of majority should continue to be 21 years.

21. Mrs. AMPIAH (Ghana) said that the Constitution proclaimed several child-specific rights. Furthermore, the Child Maintenance Decree, certain provisions of the Criminal Code and the Labour Decree, the Intestate Succession Law, the Day-Care Centres Decree and legislation on adoption guaranteed the fundamental rights of the child.

22. The National Commission on Children had established a committee to review child-related legislation. That committee had organized regional workshops, which had produced proposals for law reform and draft legislation that had been transmitted to the Ministry of Justice. The resulting draft law would be transmitted to the Council of Ministers and Parliament for enactment before the end of the year. It dealt with the following matters: the rights of the child, protection of children, family courts, maintenance, custody and visitation rights, adoption and foster families, child labour, children's homes and day-care centres. With regard to juvenile justice, existing laws would be amended in order to raise the age of criminal responsibility and sexual consent taking the Convention into account.

23. Voting age was 18 years and the age of contractual responsibility was 21 years. The legal age for marriage was not the same for girls as for boys and the juvenile courts considered anyone under 17 years to be a minor. The reform of the legislation on children was aimed at amending discriminatory provisions. The legal age for marriage should be fixed at 18 years for boys and girls, for example. The Commission on Human Rights and Administrative Justice could hear complaints concerning violations of the rights of the child. It had dealt with one particular case in order to protect a child whose parents had been opposed to his receiving medical treatment.

24. Mrs. AKUFFO-AMOABENG (Ghana) said that NGOs had participated in the implementation of the National Programme of Action for Child Survival and Development ever since the preparatory phase. Meetings were held regularly with those organizations in order to determine what additional assistance the National Commission on Children could provide. The Commission's budget had risen since 1996 and a further increase was expected in 1998, thanks to assistance from the Ministry of Finance.

25. With regard to decentralization, 60 per cent of the District Assembly members were elected by the local community and 30 per cent appointed by the traditional authorities and the central Government. Each district had to prepare a district development plan and find the resources to finance it. The Convention had been disseminated through the broadcast media, the press, NGOs and the District Assemblies. The illiteracy rate was high in Ghana but informal educational units, which functioned under the Ministry of National Education, had contributed greatly to publicizing the Convention in local languages, even though it had not yet been translated into all the national languages.

26. Mrs. QUARTEY (Ghana) said that there was a parliamentary committee on children, the Commission on Youth, Culture and Sports.

27. Mrs. AGGREY-ORLEANS (Ghana) said that Ghana was a party to many international instruments, including the Geneva Conventions, the conventions on the protection of women and refugees and several ILO conventions. However, it had not yet ratified the International Covenant on Civil and Political Rights, as changes of government had so far delayed its accession. However, Ghana was a party to various instruments of the Organization of African Unity (OAU) which dealt with civil and political rights.

28. Mrs. MOKHUANE requested more information on the implementation in practice of laws on the protection of children and on progress in considering new legislation in that area. She would like to know what was the specific mandate of the National Commission on Children and wondered whether it had sufficient resources to realize the objectives that had been set for it.

29. Mrs. KARP wondered whether Ghana had a training programme for persons who could have to work with children, such as judges, police officers or social workers, to familiarize them with the provisions of the Convention. She also wished to know whether the Human Rights Commissioner had a particular department for dealing with complaints from children, how much priority was given to such complaints and to what extent children had access to that department.

30. Mrs. SARDENBERG asked for information on the proposed amendments to the mandate of the Commission on Children, on the manner in which its decisions were communicated to other administrative units and on whether the Commission was advisory or executive in nature. She also wished to know what were the areas of expertise of the members of the Parliamentary Commission on Youth, Culture and Sports and whether the Commission was involved in the implementation of the Convention or could play a role of catalyst in that regard. Was any role given to the local level in implementing the Convention? She would like more information on the Vision 2020 programme. How did the traditional sectors of society react to the steps undertaken to assist the electronic media in bringing about a change in traditional attitudes, and what were the principal difficulties encountered?

31. Mrs. AKUFFO-AMOABENG (Ghana) said that the principal task of the Commission on Children was to ensure coordination and liaison with all interested parties as well as to mobilize resources, whereas the various Ministries were in charge of execution. The Commission's activities had had an impact on Ghanaian society, particularly during the past two years, as a day no longer passed without newspaper coverage of child-related issues and, during field missions, it had been noted that children were aware of the Convention and were able to cite at least two or three of its articles. In the area of training, the Commission had committed itself to ensuring the training of trainers, with the support of the United Nations Children's Fund (UNICEF) and the United Kingdom organization Save the Children. Training for journalists, judges and District Assemblies should be completed by the end of the year and should continue for police officers. The child-related activities of the Commission on Human Rights and Administrative Justice had hitherto focused mainly on cases submitted to it by the regional coordinators of the National Commission or by individual district hospitals. Questions were submitted directly to the Commissioner, who was personally in charge of some of the problems that arose.

32. Some conflict was inevitable in harmonizing the district development plans, but the authorities had made an effort to integrate the various district plans both at the regional level and at the level of the National Commission on Development Planning, and the many donors who had supported the preparation of the district plans had made a major contribution. The members of the Parliamentary Commission on Youth, Culture and Sports possessed extensive expertise and had received training on the Convention. As to the

evaluation of the results obtained by the National Commission on Children, the only data received to date were those from the various ministries, but once the assessment of the state of children in Ghana had been completed, the Commission should be able to complete the evaluation.

33. Mrs. QUARTEY (Ghana), referring to the right of the child to lodge complaints, said that the Human Rights Commissioner dealt personally with each complaint addressed to him and had on several occasions gone into the field to combat the practice of Tro Kosi, or the enslavement of girls, by trying to convince people to cease the practice and allow girls to attend school. However, the legislation abolishing such practices was not sufficient to put an end to them, and people would also have to be educated if they were to abandon the practice. That would take a great deal of time.

34. Mrs. AMPIAH (Ghana), explaining the delay in the enactment of the law on children, said that the process had been relatively quick, given that the Committee responsible for reviewing legislation on children had not been created until November 1995. When the Committee had completed its work, two legal consultants had submitted a report that had been considered at regional workshops held to gather the views of the population so as to take them into account in the draft to be transmitted to the Government. With regard to article 28 of the Constitution, it was understood that it was up to the Parliament to enact laws on modalities for the protection of children, and it was that Committee which had been put in charge of preparing a draft law in which the various rights of the child would be proclaimed in detail, adhering closely to the Convention. That draft law would enable certain gaps to be filled, for example through provisions on apprenticeship in the informal sector, the duty to provide maintenance, awarding of property in case of intestate succession, regulation of children's shelters to prevent private establishments from refusing to receive handicapped children, and adoption, since Ghanaians residing abroad were not currently entitled to adopt Ghanaian children. The Commission on Human Rights and Administrative Justice had satellites at the regional and district levels which made it accessible to children throughout the country.

35. Mrs. AGGREY-ORLEANS (Ghana) said that the Vision 2020 programme was intended to help planning bodies prepare their plans in view of a national global economic and social development programme, the purpose being to ensure the country's sustainable development by the year 2020 and to define certain objectives to be reached by that time so as to bring Ghana into the group of middle-income developing countries. By the end of the first stage, which covered the period 1996-2000, the conditions and infrastructure necessary for accelerated development should be put into place.

36. The CHAIRPERSON asked whether there were any representatives of children present when the National Commission on Children took decisions that concerned them, and if not, whether the Commission planned such an eventuality. She also wished to know whether its actions extended to rural areas. Had Ghana set up any systems for the continuous collection of statistics on all areas affecting the rights of the child, and not only on health? Were those systems adequate, and if not, did Ghana need assistance from the international community?

37. Mrs. AKUFFO-AMOABENG (Ghana) said that at present it was only the Ministry of Health that supported the activities of the Commission, which was also supported by Save the Children. In the rural areas, it was only in school that children could have their views heard, and the means should therefore be found to give the same chance to children not attending school. Children were not represented on the Commission, nor did it plan to ask the Government for such representation. The Commission nonetheless cooperated very closely with NGOs dealing with children and with student representative bodies.

38. Mrs. QUARTEY (Ghana) said that much had been done to make children aware of their rights, particularly those who were not attending school, and also to make the traditional chieftains aware of those rights. However, it was very difficult to make adults accept that children had the right to express their own views. Many efforts had also been made to acquaint the population with the negative effects of certain traditional practices, such as female genital mutilation. Steps had been taken to support women who had refused to submit to such practices, as they were often isolated and ostracized. An effort was under way to end the practice known as Tro Kosi, but, although some results had already been achieved, changing attitudes was a long-term process.

39. Mrs. KARP asked whether the legal prohibition of certain cultural practices and traditions did not help change people's attitudes, even if immediate results could not be expected.

40. Mrs. OUEDRAOGO asked what Ghana was doing to make parents recognize that children had rights. She also wondered whether the district development plans called for implementation of the Convention, and if so, what the procedure was to ensure follow-up, given that, apparently, progress in 10 regions was monitored by only one district.

41. Mrs. QUARTEY (Ghana) said that efforts were being made to convince parents and the older generation that children had rights, but without endangering the family setting, and also to make children aware of their responsibilities towards their parents. In some projects aimed at promoting income-generating activities, such as those of the 31st December Women's Movement, there was also an attempt to acquaint children with their rights and to sensitize them to such issues as breastfeeding and vaccination against polio. The political will was not lacking, but the resources needed for further progress were not available.

42. Mrs. AGGREY-ORLEANS (Ghana) said that the 31st December Women's Movement, a national NGO, was headed by the wife of the President, which testified to the highest level of State commitment to promoting the rights of the child.

43. Mrs. AKUFFO-AMOABENG (Ghana) said that, because of the lack of resources to monitor the situation of children in most of the country's 110 districts, it had been decided to monitor 10 districts, or one per region, each being representative of its region. Each district had prepared its own development plan, with the help of donors, most of whom had asked that the plans should include a section on women and children, with an indication of the proportion of women and children expected to benefit from the projects planned, and that

they should call for the establishment of a follow-up mechanism. The Commission on Children intended to make greater use of those mechanisms in order to gain a more specific idea of the changing situation at the district level. The district plans would make it possible to raise funds while at the same time ensuring an equitable distribution of available resources.

44. Mrs. AMPIAH (Ghana) said it was explicitly stated in the Constitution that the Government had to prohibit degrading and other customary practices. In order to do so, it could resort only to the law, and if there was a law, there must also be a penalty. In order to heed the Constitution, the Government was therefore bound to prohibit the practices by law, although without neglecting educational action.

45. Mrs. KARP wondered whether teachers were not one of the most difficult categories to make aware of the rights of the child, as they might consider it dangerous to give children too many rights. To what extent were the provisions prohibiting certain traditional practices harmful to the health of children actually implemented? Did they help in changing attitudes?

46. Mrs. QUARTEY (Ghana) said that a workshop on the Convention had been organized for teachers and that teacher training institutions had also been made aware of the rights of the child. Those rights were part of the first-cycle curriculum of secondary education.

47. Mrs. AKUFFO-AMOABENG (Ghana) said that, in the area of traditional practices harmful to the health of women and girl children, the authorities had chosen to stress education rather than punishment, as severe penalties could have a negative impact. The people concerned could engage in those practices in secret, which would make them even more difficult to uncover.

48. The CHAIRPERSON invited the members of the Committee to ask questions with reference to the definition of the child and general principles (questions 14-24 of the list of issues).

49. Mr. RABAH asked if there were any statistics on street children and whether the authorities had taken any steps to deal with the problem.

50. Mrs. KARP asked at what age children or adolescents could receive legal advice and medical treatment without parental consent. To what extent did the new law cover the possibility for the child to express his or her views before the courts, in administrative proceedings or in any institution in which he or she might be placed? How were the views of the child and his or her best interests taken into account when policies were formulated and budgets fixed?

51. Mr. FULCI said that the authorities acknowledged the existence of child labour in the informal sector, as confirmed by a 1992-1993 ILO study in three rural districts, which found that some 26 per cent of all children were working. In that connection, there seemed to be a contradiction between paragraphs 28 and 33 of the report, the former stating that basic education was "compulsory for all children aged between 6 and 15 years", and the latter that efforts were being made "to organize educational programmes for children who must work during school hours". Would any initiatives be taken to attempt to eliminate that contradiction?

52. Mrs. OUEDRAOGO asked what was done when a family did not send its children to school, or in order to avoid dropping out from school. Were any steps taken to increase the number of girls attending school, particularly in regions where cultural practices tended to deny them the right to education?

53. Mrs. MOI asked whether children ever lied about their age or falsified documents about their age so as to be able to work. Was a child under 18 years but who was already married allowed to work?

54. Regarding the age of sexual consent, according to paragraph 34 of the report, "between 14 years and the marriageable age of 18 years no special legal protection exists for girls". That was a matter of concern, as it was precisely at that time of their life that girls could be pushed into prostitution because of poverty. According to paragraph 37 of the report, the age of criminal responsibility was seven years, and she wondered what the responsibility of so young a child might entail.

55. Mr. KOLOSOV said that article 2, paragraph 1, of the Convention contained a very comprehensive list of the grounds on which discrimination was prohibited. While it was true that the Constitution of Ghana forbade discrimination, it did not reiterate those grounds. Were the authorities planning to adopt any complementary laws aimed at reflecting article 2 of the Convention more adequately? Had any study been undertaken of discriminatory practices in Ghanaian society?

56. Mrs. SARDENBERG asked for further information on the meaning of the statements in paragraph 40 of the report that, under the Constitution, "age is not a category to benefit from non-discrimination" and "the social implications of this omission may be important". Were any specific measures or programmes planned to deal with the problem? It would also be useful to have information concerning reports that only discrimination as to residence was prohibited in respect of persons with disabilities.

57. Mrs. MOKHUANE asked whether there were any statistics on the school drop-out rate and what steps were being taken to combat dropping out. According to the report, child labour was linked to the fact that children's families were often very poor. What was the Government doing to combat family poverty? Were there any studies on the causes of the phenomenon of street children? While poverty was certainly one of its main causes, the ill-treatment or trauma experienced by street children could also play a major role.

58. Mr. RABAH asked whether there was any specific administration of justice for juveniles and any special management of reform schools.

59. Mrs. KARP asked why, within the framework of the juvenile courts, minors were considered to be persons under the age of 17, and not under the age of 18, years. There had supposedly been plans to harmonize the legislation so that the definition of the child would uniformly be a person under the age of 18.

60. The CHAIRPERSON said that Ghana had two legal systems, written law and customary law. She wondered what happened when there was conflict between the two systems, particularly with regard to marriage. Could, for example, a young woman married under customary law request a divorce under written law? Similarly, what was the weight of a customary marriage to which the parents of one of the two spouses were opposed? She asked what the civil status of persons married before the age of 18 was and whether they were considered to be adults.

The meeting rose at 6 p.m.